

PCT Doc'd PCT/PTO 30 MAR 2006

(Substitute) PTO-1390 (Rev. 07-2005)

Approved for use through 3/31/2007. OMB 0651-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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|   |   |  |
|---|---|--|
| <b>TRANSMITTAL LETTER TO THE UNITED STATES<br/>DESIGNATED/ELECTED OFFICE (DO/EO/US)<br/>CONCERNING A FILING UNDER 35 U.S.C. 371</b> |   | ATTORNEY'S DOCKET NUMBER<br><b>P1096/20006</b>                       |
| INTERNATIONAL APPLICATION NO.<br><b>PCT/AU2004/000783</b>   | INTERNATIONAL FILING DATE<br><b>June 11, 2004</b> | U.S. APPLICATION NO. (If known, see 37 CFR 1.5)<br><b>10/560,441</b> |
| TITLE OF INVENTION<br><b>ORAL APPLIANCE</b>   |   | PRIORITY DATE CLAIMED<br><b>June 13, 2003</b>                        |
| APPLICANT(S) FOR DO/EO/US<br><b>Christopher John FARRELL</b>  |   |  |

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

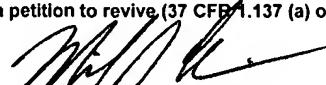
1.  This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2.  This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3.  This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4.  The US has been elected (Article 31).
5.  A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a.  is attached hereto (required only if not communicated by the International Bureau).
  - b.  has been communicated by the International Bureau.
  - c.  is not required, as the application was filed in the United States Receiving Office (RO/US).
6.  An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a.  is attached hereto.
  - b.  has been previously submitted under 35 U.S.C. 154(d)(4).
7.  Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a.  are attached hereto (required only if not communicated by the International Bureau).
  - b.  have been communicated by the International Bureau.
  - c.  have not been made; however, the time limit for making such amendments has NOT expired.
  - d.  have not been made and will not be made.
8.  An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9.  An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10.  An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11 to 20 below concern document(s) or information included:**

11.  An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12.  An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 & 3.31 is included.
13.  A preliminary amendment.
14.  An Application Data Sheet under 37 CFR 1.76.
15.  A substitute specification.
16.  A power of attorney and/or change of address letter.
17.  A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18.  A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19.  A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
20.  Other items or information: Express mail transmittal sheet, Notification of Missing Requirements, Response to Notification of Missing Requirements and return receipt post card

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|   |                               |  |
|---|-------------------------------|--|
| U.S. APPLICATION NO. (If known, see 37 CFR 1.5)   | INTERNATIONAL APPLICATION NO. | ATTORNEY'S DOCKET NO.  |
| 10/560,441  | PCT/AU2004/000783             | P1096/20006  |
| The following fees have been submitted:   |                               | CALCULATIONS PTO USE ONLY  |
| 21. <input type="checkbox"/> Basic national fee .....   |                               | \$300  |
| 22. <input type="checkbox"/> Examination fee<br>If the written opinion prepared by ISA/US of the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) .....  |                               | \$0  |
| All other situations .....  |                               | \$200  |
| 23. <input type="checkbox"/> Search fee<br>If the written opinion prepared by ISA/US of the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) .....   |                               | \$0  |
| Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority .....   |                               | \$100  |
| International Search Report prepared an ISA other than the US and provided to the Office or previously communicated to the US by the IB .....   |                               | \$400  |
| All other situations .....  |                               | \$500  |
| TOTAL OF 21, 22 and 23 =  |                               | \$   |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing filed in an electronic medium) (37 CFR 1.492(j)).<br>The fee is \$250 for each additional 50 sheets of paper or fraction thereof.   |                               |  |
| Total Sheets  | Extra Sheets                  | Number of each additional 50 or fraction thereof (round up to a whole number)  |
| - 100 =   | /50 =                         | x \$250  |
| Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).   |                               | \$130  |
| CLAIMS  | NO. FILED                     | NUMBER EXTRA   |
| Total claims  |                               | 8  |
| Independent   |                               | 0  |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable)   |                               | 0  |
| TOTAL OF ABOVE CALCULATIONS =   |                               | \$   |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by ½.   |                               | \$ 65  |
| SUBTOTAL =  |                               | \$ 65  |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).   |                               | + \$   |
| TOTAL NATIONAL FEE =  |                               | \$   |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property  |                               | + \$   |
| TOTAL FEES ENCLOSED =   |                               | \$ 65  |
| 04/05/2005 GFREY1 00000107 030075 10560441<br>01 FC:261 65.00 DA  |                               | Amount to be refunded: \$  |
|   |                               | Amount to be charged: \$   |
| <p>a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. 03-0075 in the amount of \$ 65 to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 03-0075. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> |                               |  |
| NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the Application to pending status.  |                               |  |
| SEND ALL CORRESPONDENCE TO:   |                               |  |
| Customer No. 03000  |                               | SIGNATURE<br><br>Michael J. Cornelison<br>NAME<br>40,395 |
| REGISTRATION NUMBER   |                               |  |

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT EXAMINING OPERATION**

Applicant(s): Christopher John FARRELL

U.S. App. Serial No: 10/560,441

International App. No.: PCT/AU2004/000783

Filed: December 13, 2005

International Filing Date: June 11, 2004

Att. Docket No.: P1096/20006

Confirmation No.:

For: ORAL APPLIANCE

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

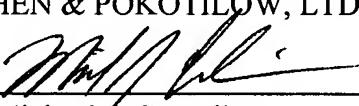
Sir:

This is responsive to the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US). A copy of the Notification is enclosed.

The Declaration is compliant with 37 CFR 1.497(a) and (b), when read in conjunction with the Application Data Sheet filed December 13, 2005, which identifies the International Application Number (PCT/AU2004/000783) and International Filing Date (June 11, 2004). 37 CFR §§ 1.497(c) and 1.67.

Applicant respectfully requests that a Notice of Acceptance be issued.

Respectfully submitted,  
CAESAR, RIVISE, BERNSTEIN,  
COHEN & POKOTILOW, LTD.

By 

Michael J. Cornelison  
Registration No. 40,395  
Customer No. 03000  
(215) 567-2010  
Attorneys for Applicant(s)

March 30, 2006

Please charge or credit our Account No.  
03-0075 as necessary to effect entry and/or  
ensure consideration of this submission.



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT    | ATTY. DOCKET NO. |
|-----------------------------|--------------------------|------------------|
| 10/560,441                  | Christopher John Farrell | P1096/20006      |

03000  
 CAESAR, RIVISE, BERNSTEIN,  
 COHEN & POKOTILOW, LTD.  
 11TH FLOOR, SEVEN PENN CENTER  
 1635 MARKET STREET  
 PHILADELPHIA, PA 19103-2212

RECEIVED  
 MAR 23 2006  
 CAESAR, RIVISE, BERNSTEIN  
 COHEN & POKOTILOW, LTD.

INTERNATIONAL APPLICATION NO.

PCT/AU04/00783

| I.A. FILING DATE | PRIORITY DATE |
|------------------|---------------|
| 06/11/2004       | 06/13/2003    |

CONFIRMATION NO. 8867  
 371 FORMALITIES LETTER



\*OC000000018195477\*

Date Mailed: 03/17/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 12/13/2005
- Copy of the International Search Report filed on 12/13/2005
- Copy of IPE Report filed on 12/13/2005
- Preliminary Amendments filed on 12/13/2005
- U.S. Basic National Fees filed on 12/13/2005
- Priority Documents filed on 12/13/2005



The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$65** for a Small Entity:

- **\$65** Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

FREDERICK SMITH

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Telephone: (703) 308-9140 EXT 210

**PART 1 - ATTORNEY/APPLICANT COPY**

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| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/560,441                  | PCT/AU04/00783                | P1096/20006      |

FORM PCT/DO/EO/905 (371 Formalities Notice)

Attny Docket No. P1096/20006  
PTO Customer No. 03000

Applicants : Christopher John FARRELL  
Serial No. : 10/560,441  
Filed : December 13, 2005  
Title : ORAL APPLIANCE

The following documents are submitted for the above-identified invention for entry into the U.S. National stage under 35 U.S.C. §371, based on the International Application No. PCT/AU2004/000783, which includes the following:

1. One (1) sheet of Transmittal Letter;
2. Calculation sheet, in duplicate;
3. Response To Notification of Missing Requirements;
4. Declaration and Power of Attorney;
5. Copy of Notification of Missing Requirements; and
6. Return Receipt Post Card.

"Express Mail" Mailing Label No.

EL962206401US

Date of Deposit March 30, 2006

I hereby certify that the above-identified documents are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



Judy Matos